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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

KEMMERER, ELIZABETH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1646

DATE MAILED: 02/15/2002

17/E

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/340,690

EXAMINER

ART UNIT PAPER NUMBER

17

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED. Please see attached Examiner's Amendment, Reasons for Allowance, and Notice of Suspension.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth C. Kemmerer, Ph.D., whose telephone number is (703) 308-2673. The examiner can normally be reached on Mondays through Thursdays from 6:30 a.m. to 4:00 p.m. The examiner can also normally be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., on (703) 308-6564

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 11 February 2002, Attorney Peter Jackman requested an extension of time for 2 MONTH(S) and authorized the Commissioner to charge Deposit Account No. 19-0036 the required fee for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Peter Jackman on 11 February 2002.

The application has been amended as follows:

E1 32. (amended) A composition comprising the isolated protein of claim 27 and a carrier.

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E2
33. (amended) An isolated protein comprising 30 contiguous amino acids of the complete amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97059, wherein said 30 contiguous amino acids comprises an antigenic determinant for the polypeptide consisting of the amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97059.

E3
38. (amended) A composition comprising the isolated protein of claim 33 and a carrier.

E4
50. (amended) A composition comprising the isolated protein of claim 45 and a carrier.

E5
62. (amended) A composition comprising the isolated protein of claim 57 and a carrier.

E6
86. (amended) A composition comprising the isolated protein of claim 81 and a carrier.

E7
175. (new) An isolated protein comprising 30 contiguous amino acids of the complete amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97058, wherein said 30 contiguous amino acids comprises an antigenic determinant

for the polypeptide consisting of the amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97058.

176. (new) The isolated protein of claim 175, which comprises the complete amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97058.

177. (new) The isolated protein of claim 175, which is produced by a recombinant host cell.

E7
cont.
178. (new) The isolated protein of claim 175, which comprises a heterologous polypeptide.

179. (new) The isolated protein of claim 178, wherein said a heterologous polypeptide comprises the Fc portion of an antibody molecule.

180. (new) A composition comprising the isolated protein of claim 175 and a carrier.

181. (new) An isolated protein comprising 30 contiguous amino acids of the complete amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97057, wherein said 30 contiguous amino acids comprises an antigenic determinant

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for the polypeptide consisting of the amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97057.

182. (new) The isolated protein of claim 181, which comprises the complete amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97057.

183. (new) The isolated protein of claim 181, which is produced by a recombinant host cell.

E7
cont.
184. (new) The isolated protein of claim 181, which comprises a heterologous polypeptide.

185. (new) The isolated protein of claim 184, wherein said a heterologous polypeptide comprises the Fc portion of an antibody molecule.

186. (new) A composition comprising the isolated protein of claim 181 and a carrier.

187. (new) An isolated protein comprising 30 contiguous amino acids of the polypeptide consisting of the amino acid sequence of SEQ ID NO: 26, wherein said 30

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contiguous amino acids comprises an antigenic determinant for the polypeptide consisting of the amino acid sequence of SEQ ID NO: 26.

188. (new) The isolated protein of claim 187, which is produced by a recombinant host cell.

189. (new) The isolated protein of claim 187, which comprises a heterologous polypeptide.

190. (new) The isolated protein of claim 189, wherein said a heterologous polypeptide comprises the Fc portion of an antibody molecule.

E7
cont.
191. (new) A composition comprising the isolated protein of claim 187 and a carrier.

192. (new) An isolated protein comprising the mature amino acid sequence encoded by the cDNA clone contained in ATCC Deposit No. 97059.

193. (new) The isolated protein of claim 192, which is produced by a recombinant host cell.

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194. (new) The isolated protein of claim 192, which comprises a heterologous polypeptide.

195. (new) The isolated protein of claim 194, wherein said a heterologous polypeptide comprises the Fc portion of an antibody molecule.

E7
concl.

196. (new) A composition comprising the isolated protein of claim 192 and a carrier.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Applicant's argument that it is reasonable to expect the polypeptide to have T cell proliferative activity based on the fact that exemplified SEQ ID NO: 2 and claimed SEQ ID NO: 26 differ by a single amino acid residue was found to be persuasive to remove the rejections under 35 U.S.C. §§ 101 and 112, first paragraph.

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SUSPENSION

All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth C. Kemmerer, Ph.D. whose telephone number is (703) 308-2673. The examiner can normally be reached on Mon.-Thurs. and alternate Fri., 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D. can be reached on (703) 308-6564. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular and after-final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

ECK
February 11, 2002

Elizabeth C. Kemmerer

ELIZABETH C. KEMMERER
PRIMARY EXAMINER

Anthony C. Caputa
ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
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